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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,777	06/30/2003	Michael S. Cooper	P97274-4	5701

28548 7590 04/06/2006

STONEMAN LAW OFFICES, LTD
3113 NORTH 3RD STREET
PHOENIX, AZ 85012

EXAMINER

LEE, KEVIN L

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/611,777	COOPER, MICHAEL S.	
	Examiner	Art Unit	
	KEVIN L. LEE	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13, 14 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 14 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment filed January 12, 2006 has been thoroughly reviewed and considered by the examiner. The indicated allowability of claims 1-9, 13, 14 and 22-24 is withdrawn in view of the newly discovered reference(s) to Jackson et al (U.S. Patent No. 6,848,513), Suddeth (U.S. Patent No. 5,058,758) and Vrame (U.S. Patent No. 6,573,449) and reconsideration of the Dumser et al reference (U.S. Patent No. 5,381,902). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al (U.S. Patent No. 6,848,513). The patent to Jackson et al discloses a method of protecting at least one fire sprinkler riser system (110) of a fire-protectable structure, the method comprising providing a protective enclosure (114) around the fire sprinkler riser system (110), attaching the protective enclosure (114) to a fire protectable structure, col. 7, lines 5-8 and operatively connecting the riser system

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(110) to a fire sprinkler system (10), col. 5, line 11 thru col. 6, line 62. The enclosure (114) includes a cover (114c) and indicia, see Figures 1-3. The riser system (110) is pre-installed in the protective enclosure (114) and is transportable as a unit in the protective enclosure, col. 4, lines 44-47. It would have been obvious as a matter of expedient design to attach the protective enclosure to the structure prior to connecting the riser system to the fire sprinkler system so that the protective enclosure and riser system are disposed in the desired position and the connected fluid lines and hoses are properly fitted.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al in view of Vrame (U.S. Patent No. 6,573,449). The protective enclosure (114) of Jackson et al is disclosed to be mounted to a structure such as a wall, col. 7, lines 6-8. The protective enclosure of Jackson et al lacks having a mud-ring. The patent to Vrame teaches providing a mud-ring (200) with a protective enclosure (100), the mud-ring (200) to install the protective enclosure to a wall panel (P), col. 2, lines 44-52. In view of the teaching of Vrame, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jackson et al to include a mud-ring as an alternate means of installing the protective enclosure to the wall.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al in view of Suddeth (U.S. Patent No. 5,058,758). The protective enclosure (114) of Jackson et al lacks having a transparent window. The patent to Suddeth teaches

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providing a transparent window (52) in a protective enclosure (B) so that the internal components can be viewed with the protective enclosure in place, col. 3, lines 36-39. In view of the teaching of Suddeth, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jackson et al to include a transparent window in the protective enclosure so that the internal components in the enclosure can be viewed with the enclosure in place without having to open the cover.

Claims 1-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beukema et al (U.S. Patent No. 5,720,351) in view of Dumser et al (U.S. Patent No. 5,381,902). The patent to Beukema et al discloses a fire sprinkler riser system (40) that is connected to a fire sprinkler system (10, 18). The riser system (40) lacks having a protective enclosure. The patent to Dumser et al teaches a protective enclosure (20) for a riser system (1, 2), the protective enclosure (20) being mounted directly to a wall and includes a cover (20b), col. 3, lines 58-60 and col. 4, line 61. Hollow spaces in the packing of the protective enclosure provide storage spaces for components, such as sprinkler heads, col. 2, lines 2-8. The protective enclosure (20) allows the riser system (1, 2) to be transported and installed as a preassembled unit, col. 1, lines 62-66. In view of the teaching of Dumser et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Beukema et al to include enclosing the fire sprinkler riser system in a protective enclosure so that the riser assembly is transported and installed as a preassembled unit to reduce the cost and time of assembly of the riser system.

Allowable Subject Matter


Claim 25 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L. LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC KEASEL can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

APRIL 3, 2006


Kevin Lee
Primary Examiner